

**Testimony of Citizens' Environmental Coalition
At Scoping Hearing
By Barbara Warren, RN, MS, Executive Director**

Environmental Impacts of Project Delays and DOE mismanagement should be studied in the SEIS. The SEIS should also address a plan for greater accountability in the future.

Based on the Scoping Notice this is the last Environmental Impact Statement that will be produced. The 2010 Record of Decision said that Phase 1 projects would be completed in 8-10 years. However, major issues have arisen because of multiple failures and project delays, that have environmental impacts. If the environmental impacts are not studied there will be no scientific basis for making final decisions.

I DOE has taken no action to move Transuranic Waste for Final Disposition. The West Valley Demonstration Project Act requires that wastes be packaged and sent for disposal elsewhere—not at West Valley. According to the 2003 Waste EIS, DOE committed to send Transuranics to WIPP in New Mexico within 10 years, which would have been by 2013. For the first time in 2017 DOE began to discuss designating the TRU as defense waste. Even if the redesignation occurs it is unlikely that this waste could be sent to WIPP. There is a long waiting line for waste nationwide, already approved to go to WIPP and WIPP is taking less waste now, as it recovers from the explosion that closed it for some time. A recent GAO report details the situation. *Plutonium Disposition: Proposed Dilute and Dispose Approach Highlights Need for more work at the Waste Isolation Pilot Plant*. Sept. 2017, GAO-17-390. DOE also identified 4 other alternative locations to send WV TRU waste. In this report, DOE is now apparently classifying this 6,540 cubic meters of waste as 'Greater than Class C' waste.

There are two problems with the transuranics or 'Greater than Class C' waste in a Lag Storage building on the North Plateau:

- 1) The Waste EIS never examined the required conditions of long term storage and how they would be met, because it would be sent somewhere else. The SEIS should study this. EPA also said this waste must meet their requirements under 40 CFR 191 for transuranic storage.
- 2) Maintaining the lag storage building on the North Plateau potentially interferes with the completion of Phase 1 projects which includes extensive excavation of contaminated facilities, as laid out in the 2010 EIS. The SEIS should study this.

II The Permeable Treatment Wall that is partially remediating the Strontium-90 plume before it discharges to our waterways has a useful life of ten years. Since it was installed in 2010, it must be replaced in 2020. We are not aware of any current plans to replace the treatment wall. And as a result of major delays the source of the plume, another Phase 1 project, may not be excavated for 10 or more years as a result of major delays in completing Phase 1. We believe:

- 1) The impacts of Strontium-90 leaving the site and entering our waterways needs to be studied in the SEIS.
- 2) The Wall was only installed in 2010, therefore the 2010 EIS did not know anything about its future effectiveness. Delays in digging up the source of the plume also mean that

higher levels of Sr-90 are reaching the wall and higher levels are now entering our waterways—levels about the objective DOE set for the treatment wall.

We have just identified two major environmental impacts related to Phase I projects, but the Scope does NOT include study of significant project delays and their environmental impacts. We believe all new information since the 2010 EIS related to Phase 1 projects must be studied in the SEIS. There could be other changes in project implementation or changes that affect Phase 2 facilities and Final Decisions.

III Multiple Government Offices have reviewed and found fault in DOE Management of West Valley Phase I contracts and projects.

- 1) The General Accounting Office in 2012 reviewed 44 projects under the DOE Office of Environmental Management. All other projects met 3, 2 or at least 1 of their objectives. West Valley was singled out for not meeting a single one of its objectives. The work related to the Main Plant Process Building.
- 2) Later DOE's Office of Environmental Management joined in to identify the West Valley Project as a total failure.
- 3) Finally in 2017, the Office of the Inspector General at DOE issued an Audit Report. This review was of a second contract (the current one for CHBWV)—and included work that should have been completed in 2011.

The scope of work did not include critical tasks:

- Work not completed under the earlier contract
- Moving 222 containers of transuranics out of the MPPB
- Decontaminating the outside of canisters of vitrified high level waste before storing in concrete casks.

DOE had awarded a 6 year contract to CHBWV in 2011 for \$333 million. Since major amounts of additional work were later identified, the contract cost increased by \$196 million along with a 3 year contract extension. The additional money was like a no-bid contract, since there was no open bidding for the work.

According to the Inspector General's report the project should have been treated as a capital project from the beginning. All projects over \$10 million are supposed to be treated as capital projects. In addition Project Baselines should have been established enabling the contractor and DOE to adequately monitor progress. Unfortunately the DOE did not incorporate the lessons learned from the last contract management failure, so that performance would meet required management guidelines.

The Entire Building must be demolished including the underground rooms, before the Strontium-90 plume can be excavated. These major delays have environmental impacts. The SEIS should explore ways to increase accountability for accomplishing work objectives. A good place to start would be requiring the public and their public officials to be kept informed of these developments.

Testimony of Citizens' Environmental Coalition
At Scoping Hearing
By Barbara Warren, RN, MS, Executive Director

Worst Case Scenarios --- Weather Interacting with WV Site characteristics

Some members of the public have been involved in oversight of the failed nuclear reprocessing project and subsequent cleanup efforts for decades. They represent hours and hours of voluntary commitment to this long term project. They know that the site never met any basic siting criteria; that all major environmental laws were passed in the 70s—after West Valley's reprocessing program was already approved.

The key disaster involving nuclear waste is the loss of radiological containment. The loss of containment has occurred multiple times over the history of the project. A massive spill at the main plant process building caused the Strontium-90 plume that has spread over the North Plateau with ongoing releases of Sr-90 to local streams. A blowout occurred for the air filters during reprocessing resulting in the release of Cesium-137 over a broad area. Multiple other events have required remediation.

The private company contracted to handle reprocessing recognized that additional expensive controls would be needed to continue operations and after contaminating the entire site, decided to abandon the project. Since 1972 government agencies have been trying to address the numerous problems left behind by reprocessing.

So the public participating in the Citizens Task Force and Quarterly Public meetings understand and articulate the potential for disaster at West Valley. They have already voiced concerns that the primary problems related to the site—erodible loose glacial till, steep slopes, and multiple streams crossing the site fed by large watersheds increase the potential for harm in conjunction with weather extremes such as extreme rainfall. This scenario occurred in August 2009 with only approximately 5.5 inches of rain in an hour on top of already saturated ground.

This event caused local streams to rise dramatically and rage through valleys, scouring valley walls. The Buttermilk valley wall was undermined resulting in a landslide that put tons of earth into Buttermilk Creek and moved the wall 15 feet closer to the State burial grounds. These burial grounds hold plutonium, but the burial grounds are not secure at all. We need to DIG IT UP and secure this waste on site until it can be sent for disposal. Selectively removing the state burial grounds entirely would potentially enable us to secure the federal burial ground with anchors to bedrock—until the waste can decay enough to allow exhumation there. This same storm also destroyed a hospital in Gowanda, downstream. This hospital just completed a new state-of-the-art-emergency room, but rebuilding was abandoned after this event. This event illustrates how easily institutional control can be lost, while management is still in charge.

We note that the Scoping notice failed to mention Climate Change as a potential environmental issue for analysis or as having potentially severe adverse impacts. Any EIS must be fully grounded in science, and climate change has been proven by an extraordinary diversity of

scientific fields and depth of research. Climate change researchers are finding and documenting new phenomena involving weather extremes, such as mesoscale convection systems.

In 2017 we had multiple examples where humans and multiple federal, state and local agencies worked very hard to address extraordinary emergencies but had little to no institutional control of events—Hurricanes Harvey, Irma and Maria, a chemical plant abandoned by managers because they had no ability to control the situation—they let the plant explode, Forest Fires in the Western US.

In the past year the nation has experienced multiple rain events that exceeded 20 inches in 24 hours. The Northeast region has already experienced a 74% increase in extreme rainfall events—those in the top 1% for amount of rainfall in 24 hours. Extreme rainfall events can cause far more erosion than increases in annual rainfall.

Whether or not the current administration wants to continue to deny the reality of climate change, the factual data about weather since the year 2000 can be utilized to analyze the potential environmental impacts for the WV Nuclear Waste Site and must be in the SEIS.

A performance assessment of West Valley's nuclear waste facilities must address worst case scenarios that address the site's unique vulnerabilities and weather extremes. Scenarios that cause the loss of containment and the potential for release of radionuclides to our waterways and the contamination of Lake Erie and Lake Ontario as well as the drinking water for millions of persons should be studied.

West Valley cannot meet existing siting standards for any kind of disposal facility. The burial grounds should be simply called "Open dumps," and all their deficiencies analyzed in the EIS. .

Site Stability needs to be thoroughly analyzed, foundational stability and slope stability. Then it needs to be evaluated in conjunction with extreme events- earthquakes, landslides, extreme rainfall, hurricanes, and tornadoes. Wind & rain events could remove the cover materials over disposal areas – allowing massive amounts of water in, triggering a landslide and water contamination.

The potential for other site facilities and engineered barriers to impact radiological containment must be considered. For example the collapse of the earthen dams at the on-site reservoirs could result in another landslide of the valley wall at Buttermilk Creek.

Recent engineering efforts to control erosion and the flow of water on site are largely viewed as temporary fixes. The total costs of erosion control and landslide prevention should be studied for as long as you plan to leave the materials there. A major loss of containment including long-lived radionuclides like plutonium would be irretrievable and cause irreparable harm to the public and the Great Lakes.

Extreme rainfall could also affect the North Plateau, causing the loss of containment from the C & D landfill as well as sending considerable amounts of Strontium-90 to local waterways.

**Testimony of Citizens' Environmental Coalition
At Scoping Hearing
By Barbara Warren, RN, MS, Executive Director**

Public Participation Since Last Draft EIS

My name is Barbara Warren, Executive Director of Citizens' Environmental Coalition. In my comments tonite I specifically want to address the extraordinary statement in the Federal Register notice referring to the Agencies "commitment to providing robust and meaningful opportunities for public participation."

There was unanimous public support for the Full Cleanup Alternative in the 2010 EIS. This included local government bodies and public officials at the state and federal levels. Despite what the public said, the Agencies chose the Phased Decision-making claiming that additional studies were needed. In this way some work could move forward, while the studies were done.

Phase 1 studies A lengthy list of studies were initially planned and the public was invited to submit comments on the planned studies. We did so, including making additional study recommendations. Public input was ignored and in the end just 3 studies moved forward – erosion, exhumation of radioactive waste and engineered barriers. Despite the fact that the public had fully supported complete exhumation and a full cleanup of the site, the Agencies proceeded to study Selective or Partial Exhumation--- even though their own scope of work included complete exhumation. The exhumation of the HLW tanks (past their useful lives) and the sludge remaining there contains hundreds of thousands of curies – but exhumation has not yet been studied for the sludge and the tanks.

Early in the study process DOE delivered double-speak about the need for Phase 1 studies. These studies were required under the final decision the Agencies made, but DOE claimed that it actually had enough information to make any Final decisions for the entire site from the analyses in the 2010 EIS, thus contradicting the findings in the Final EIS.

Other studies at West Valley included Characterization of the radioactive contamination around the site. However early on DOE decided that this work was simply not a Phase 1 study and therefore the information would not be public information. All of the characterization and sampling of contamination should have already been presented to us so we can ask questions. This information will have to be presented and discussed in the SEIS because this is essential information for making future cleanup decisions. However, it may not be sufficient to know that the sampling has been adequate to characterize the contamination of some areas—stream sediment for example.

Later we learned that the public was actually irrelevant to the Phase 1 study process, because the entire purpose was designed to achieve "**consensus between two agencies**" - the Federal Department of Energy and the New York State Agency, NYS Energy, Research and Development Authority. Therefore public input was of no interest.

The **Independent Scientific Panel** established to review the work of the expert study groups has apparently been disbanded. We have heard nothing from this panel for over a year. Essentially the Agencies have violated the Scientific Process, that they established.

That's not all.

On multiple occasions the public was not informed of key opportunities for public input. We either learned too late about an opportunity or were blocked in our ability to meaningfully participate due to an onerous Freedom of Information process at DOE. NYSERDA has functioned adequately in this regard. Of primary significance was a major change in the air permits. Lack of timely information prevented our ability to challenge the permit and obtain more health protective air monitoring.

Finally, Comprehensive Progress Reports should be regularly provided by DOE and NYSERDA. These reports should address what was planned and what was actually completed. In fact we believe our requests for comprehensive progress reports were deliberately ignored because of the documented management failures of DOE.

We have seen little evidence of Agency commitment to robust and meaningful public participation.